

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 11. This sheet, which includes Fig. 11, replaces the original sheet including Fig. 11.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 15 and 19 are pending in the present application. Claims 15 and 19 are amended by the present amendment. Support for amended Claims 15 and 19 can be found at least at Fig. 11 and p. 23, ll. 4-15 of the originally filed disclosure. Further, Fig. 11 is amended to correct a typographical error and to transpose “YES” and “NO” as output decisions of S308. Support for this change to Fig. 11 can be found at p. 23, ll. 11-15 of the originally filed disclosure. No new matter is presented.

In the Office Action, Claims 15 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over IBM NewGenPay, as disclosed by Electronic Payment Systems for E-Commerce, Second Edition (herein, IBM) in view of Official Notice.

In response to the above noted rejection, Applicants respectfully submit that amended independent Claims 15 and 19 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 15, for example, is amended to recite, in part, an operation method of an authentication and payment system including a wireless terminal apparatus, a service providing server, an authentication and payment server, and a network connecting the wireless terminal apparatus, the service providing server, and the authentication and payment server, comprising:

... transmitting, from the service providing server to the authentication and payment server, an authentication and payment message prior to providing the requested service when the comparing determines that the amount of payment of the requested service is greater than the reference amount; and

generating and transmitting to the authentication and payment server, by the service providing server, the authentication and payment message that is sent to the authentication and payment server after the requested service has been provided to the wireless terminal apparatus and ***before a next service is***

provided to the wireless terminal apparatus, when the comparing determines that the amount of payment of the requested service is less than or equal to the reference amount.

Independent Claim 19, while directed to an alternative embodiment, is amended to recite similar features.

As disclosed in an exemplary embodiment at Fig. 11 and p. 23, ll. 4-15 of the originally filed disclosure, when the amount of payment is equal to or less than the reference amount, the service providing device starts providing the requested service before it generates the authentication and payment message. When immediate processing is selected at S308, a request for authentication and payment is generated for each service provision (e.g., after a first service is provided, but before a next service is provided) and sent to the authentication and payment device.

Turning to the applied reference, pp. 292-295 and Fig. 7.37 of IBM describe an e-wallet application that includes the distribution of a daily spending certificate that allows the user to conduct an off-line transaction with a vendor as long as the user has not surpassed the monetary value indicated in the daily certificate. As specifically described at p. 295, ¶3 of IBM, vendors deposit signed batches of payment orders to their respective payment providers (PPs) at the end of the day when the amount of orders requested at a vendor does not exceed the daily spending limit.

Independent Claim 15 in contrast, recites that “the authentication and payment message ... is sent to the authentication and payment server after the requested service has been provided to the wireless terminal apparatus and ***before a next service is provided to the wireless terminal apparatus***, when the comparing determines that the amount of payment of the requested service is less than or equal to the reference amount.”

Therefore, the configuration of IBM is different from the configuration recited in amended independent Claim 15, in that IBM describes that the authentication and payment is

not performed by the PP until a batch process is performed at the end of the day when the amount of order request at a vender does not exceed the spending limit a day.

Therefore, for example, even if a specific user (wireless terminal apparatus) performs order requests to a plurality of venders at a day, the authentication and payment is not performed until the end of the day when each of the amount of order request is less than or equal to the spending limit a day. In this instance there is a possibility that the total amount of each of the amount of order request exceeds the spending limit a day and it causes the collapse of the authentication and payment system.

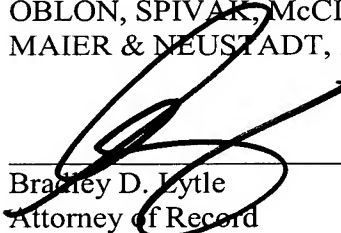
On the other hand, in independent Claim 15, the authentication and payment is performed “after the requested service has been provided to the wireless terminal apparatus and *before a next service is provided to the wireless terminal apparatus*” even “when the comparing determines that the amount of payment of the requested service is less than or equal to the reference amount”. IBM fails to teach or suggest such a configuration.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 15 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 19 patentably defines over IBM.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 15 and 19 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Andrew T. Harry
Registration No. 56,959